

## **IC 27-2-19**

### **Chapter 19. Fraud Investigation Information Exchange**

## **IC 27-2-19-1**

### **"Governmental agency" defined**

Sec. 1. As used in this chapter, "governmental agency" means any:

- (1) department;
- (2) division;
- (3) public agency;
- (4) political subdivision; or
- (5) other public instrumentality;

of a political subdivision, the state of Indiana, or the federal government.

*As added by P.L.187-1996, SEC.1.*

## **IC 27-2-19-2**

### **"Insurer" defined**

Sec. 2. As used in this chapter, "insurer" means a person who transacts a property and casualty insurance business.

*As added by P.L.187-1996, SEC.1.*

## **IC 27-2-19-3**

### **"Law enforcement agency" defined**

Sec. 3. As used in this chapter, "law enforcement agency" means an agency or a department of any level of government whose principal function is the apprehension of criminal offenders. The term includes the office of the inspector general.

*As added by P.L.187-1996, SEC.1. Amended by P.L.222-2005, SEC.36.*

## **IC 27-2-19-4**

### **"Person" defined**

Sec. 4. As used in this chapter, "person" includes individuals, corporations, associations, limited liability companies, and partnerships.

*As added by P.L.187-1996, SEC.1.*

## **IC 27-2-19-5**

### **"Political subdivision" defined**

Sec. 5. As used in this chapter, "political subdivision" has the meaning set forth in IC 36-1-2-13.

*As added by P.L.187-1996, SEC.1.*

## **IC 27-2-19-6**

### **Authorization or release from claimant; when required; exceptions**

Sec. 6. (a) Except as provided in subsections (b) and (c), a law enforcement agency, an insurer, or a governmental agency that has reason to believe that an application for insurance or a claim for insurance proceeds is being, or is likely to be, presented:

- (1) based upon misrepresentation; and
- (2) with intent to defraud;

is not required to obtain any authorization or release in order to receive or provide any information other than medical records and medical reports and medical related information contained in medical records and medical reports regarding or in any way potentially relating to that claim or application from or to any other law enforcement agency, insurer, or governmental agency.

(b) In claims for bodily injury, only information:

- (1) regarding the type of injury claimed;
- (2) regarding the date of the alleged injury;
- (3) regarding the name and address of each medical provider submitted to support the claimed injuries; and
- (4) referred to in subsection (a);

may be released without first obtaining authorization or a release from the injured claimant.

(c) Medical records and medical reports and medical related information contained in medical records and medical reports may not be released under this chapter without first obtaining authorization or a release from the injured claimant unless:

- (1) the claim is a bodily injury claim; and
- (2) the parties requesting the release have complied with section 8 of this chapter.

*As added by P.L.187-1996, SEC.1.*

#### **IC 27-2-19-7**

##### **Immunity from liability**

Sec. 7. (a) As used in this section, "representative" includes:

- (1) a representative investigative agency; and
- (2) an attorney;

of a law enforcement agency, insurer, or governmental agency.

(b) Any:

- (1) law enforcement agency, insurer, or governmental agency;
- or
- (2) agent, employee, or representative of a law enforcement agency, insurer, or governmental agency;

that receives or provides information referred to in this chapter in good faith is immune from liability arising from the act of receiving or the act of providing the information.

*As added by P.L.187-1996, SEC.1.*

#### **IC 27-2-19-8**

##### **Obtaining medical records and reports in claims for bodily injury**

Sec. 8. (a) A law enforcement agency, insurer, or governmental agency who has obtained the names and addresses of a claimant's medical providers under section 6(b) of this chapter may obtain the claimant's medical records and medical reports from any other law enforcement agency, insurer, or governmental agency:

- (1) with the prior authorization or release of the injured claimant; or

(2) without the prior authorization or release of the injured claimant if:

(A) there is a reasonable belief that the mere request for authorization or a release will hinder a fraud investigation; and

(B) a verified application is presented to the circuit court in the county where the application or claim is presented that sets forth:

(i) probable cause for the need to obtain the medical records and medical reports and medical related information contained in the medical records and medical reports without obtaining the proper release or authorization; and

(ii) the specific medical records and medical reports and medical related information contained in the medical records and medical reports requested.

(b) The court, upon review of the information presented in subsection (a), may issue an order authorizing the law enforcement agency, insurer, or governmental agency to release the medical records and medical reports and the medical related information contained in the medical records and reports requested.

*As added by P.L.187-1996, SEC.1.*

#### **IC 27-2-19-9**

##### **Conflict of laws**

Sec. 9. For the purpose of insurance fraud investigation, if another provision in Indiana law regarding the release or receipt of information conflicts with this chapter, this chapter governs and controls.

*As added by P.L.187-1996, SEC.1.*